

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

RODNEY DOWNIE

PLAINTIFF,

VS.

**JIMMY FALCO d/b/a
TRANSLINK MOTOR EXPRESS, Inc.**

DEFENDANT.

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CASE NO.: 2:06cv313WHA

REPORT OF PARTIES' PLANNING MEETING

1. Pursuant to Fed. R. Civ. Proc. 26(f), a meeting was held on September 19 2006, with the following parties participating in said planning meeting:

Malcolm R. Newman
MALCOLM R. NEWMAN,
ATTORNEY AT LAW, P.C.
P.O. Box 6137
Dothan, Alabama 36302
Counsel for Plaintiff, Rodney Downie

Joel P. Smith, Jr.
WILLIAMS, POTTHOFF,
WILLIAMS & SMITH, L.L.C.
P.O. Box 880
Eufaula, Alabama 36072-0880

2. **Pre-Discovery Disclosures.** The parties will exchange by October 16, 2006 the information required by Local Rule 26.1 (a)(1).

3. **Discovery Plan.** The parties jointly propose to the court the following discovery plan:

- a. Discovery will be needed on the following subjects: Allegations contained in Plaintiff's Complaint, facts surrounding Plaintiff's

allegations, Plaintiff's damage claims, all facts relevant to the defense of this case, and all facts relevant to the credibility of all witnesses.

- b. All Discovery commenced in time to be completed by April 30, 2007.
- c. Maximum of Thirty-Five (35) interrogatories by each party to any other party. Responses and objections due Thirty (30) days after service.
- d. Maximum of Thirty-Five (35) requests for admission by each party to any other party. Responses due 30 days after service.
- e. Maximum of Thirty-Five (35) requests for production by each party to any other party. Responses due 30 days after service.
- f. Maximum of Eight (8) depositions by Plaintiff and 12 by Defendant, and a maximum of Seven (7) hours per deposition.
- g. Reports from retained experts under Rule 26(a)(2) due:

from the Plaintiff by January 15, 2007
from Defendant by February 15, 2007.
- h. Supplementation under Rule 26 (e) due no later than thirty (30) days before discovery concludes.

4. **Other items.**

- a. The parties do not request a conference with the Court before entry of the scheduling order.
- b. Plaintiff should be allowed until October 30, 2006, to join additional parties and to amend the pleadings.
- c. Defendant should be allowed until November 30, 2006, to join additional parties and to amend the pleadings.

- d. All potentially dispositive motions should be filed by June 1, 2007.
- e. Settlement cannot be evaluated prior to close of discovery.
- f. The parties request a pretrial conference in September 2007.
- g. Final witness and exhibits lists under Rule 26(a)(3), should be due
from Plaintiff by Thirty (30) days prior to trial
from Defendant Thirty (30) days prior to trial.

Respectfully Submitted,

/s/ Malcolm R. Newman

Malcolm R. Newman
Attorney for Plaintiff

OF COUNSEL:

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